

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES MURRAY,

Docket #

Plaintiff, 15 CV 913 (ER)

-against-

STATE TROOPER DAVID B. RUDERFER,

**PLAINTIFF'S PROPOSED
VOIR DIRE QUESTIONS**

Defendant. ECF CASE

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PLAINTIFF'S PROPOSED VOIR DIRE

Plaintiffs Emmanuel Blake and William Bryant, by their attorney Stoll, Glickman & Bellina, LLP, submits, pursuant to Rule 47 of the Federal Rules of Civil Procedure, the following questions for *voir dire*.

Personal Information

1. Are you employed? If yes, please describe your position.
2. Any significant prior employment?
3. Are you married? If yes, what is your spouse's occupation?
4. Do you have children? How many? What ages? What are their occupations?
5. Have you or any member of your immediate family ever served in the armed forces?

If so, what kind of duty did you perform?

6. Do any of you suffer from any physical, or emotional, or health problem that make it difficult to devote your full attention to this trial?
7. Do any of you have any eyesight or hearing problems which would make it difficult

for you to see or hear the evidence and testimony?

8. Please describe your educational background, including majors in college.

9. Have you ever been arrested or convicted of a crime? If so, please describe the circumstances, and indicate if you would like to answer this question privately. Would anything about your experience impact upon your ability to be impartial in this case?

Experience in Justice System

10. Have you ever been a party to a lawsuit? If yes, please describe what the lawsuit was about and whether the result was satisfactory or unsatisfactory.

11. Have you ever been a witness for a party bringing a lawsuit? If yes, please describe the case and how you testified.

12. Have you ever been a juror before? In a civil or criminal case? Did it go to verdict?

13. (If potential juror was a criminal juror previously)- Do you understand plaintiff has a lower burden of proof in a civil case?

14. Have you ever been on a Grand Jury?

Potential Bias With Respect to Law Enforcement

15. Is any member of your family or any of your close friends a lawyer? If yes, please describe your relationship to each such person, and the kind of law they practice, if known.

16. Has any member of your immediate family or any of your close friends or relatives ever been a police officer, or any other kind of law enforcement officer?

17. Has any member of your immediate family or any of your close friends or relatives ever had regular contact with a police officer, or any other kind of law enforcement officer? If yes, what were the circumstances? Was the contact favorable or unfavorable? Why?

18. Do any of you, or any members of your family, belong to groups which directly support law enforcement functions? Are any of you honorary police officers/law enforcement personnel? Are any of your family members?

19. Do you know or recognize the plaintiff, defendants, attorneys or anyone else involved in this case? If so, please describe the nature of the relationship. Additionally, the following persons may be called as witnesses: Do you know any of these individuals; if so, please describe the nature of the relationship.

20. Do you feel that you would be more inclined to believe the testimony of a police officer than you would the testimony of another witness?

21. Have you ever been a witness to, or the victim of, a crime? If so, please describe the circumstances.

22. Mr. Murray brings this lawsuit as a private citizen against a New York State Trooper. Is there any juror that feels that citizens who have been detained or arrested should not be able to bring a lawsuit to redress their injuries? Or should not do so?

23. Do you believe a police officer is more worthy of belief simply because he or she is a police officer?

24. Do you have any feelings about the topic of law enforcement misconduct in general? What are your feelings?

25. Do you have any feelings or thoughts when someone claims they were the victim of law enforcement misconduct? What are they? Can you put aside such feelings?

26. Do you have any preconceived views regarding whether abuse by law enforcement is frequent or rare?

27. Do you think that police officers should be given the benefit of a doubt when their conduct is challenged and there is a dispute arising out of their conduct?

Lawsuit Bias

28. Do you understand that this is a civil case and not a criminal case and that no one will go to prison as a consequence of the verdict here?

29. On the other hand, do you understand that the plaintiffs are asking to obtain money for damages done to him?

30. Do you believe that plaintiffs should not be allowed to recover damages if you find that they were injured as a result of the defendants' wrongful conduct?

31. Is there any member of the jury who has a belief, now, without hearing any evidence or the law, that defendants should not be held responsible for the actions complained of in this lawsuit, even if the claims of the plaintiffs are proven? Conversely, is there any member of the jury who has a belief, now, without hearing any evidence or the law, that defendants should be held responsible for the actions complained of, even if plaintiffs do not prove his claims?

Juror Preferences

32. What magazines or newspapers do you regularly read?

33. Do you watch television news programs? If so, what do you watch?

34. Do you visit news or opinion web sites? If so, which ones?

35. What organizations are you a member of?

36. Do you have any hobbies or interests outside of work? What are they?

37. If you are selected as a juror in this case, do you know of any reason why you could not be fair and impartial?

DATED: Brooklyn, New York
March 17, 2016

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BY: /S/
Leo Glickman